

# TREATY OF COMMERCE AND NAVIGATION

BETWEEN

## GREAT BRITAIN AND JAPAN.

(117)

DOWNING STREET, December 31, 1894.

To the Officer Administering the Government of Canada.

SIR,—I have the honour to transmit to you, for publication in the colony under your government, a copy of a treaty of commerce and navigation between Great Britain and Japan, signed at London on July 16, 1894, the ratifications of which were exchanged at Tokio on the 25th of August last.

I have to call your attention to Article XIX. of the treaty, from which you will observe that, if it is desired that the colony under your government should come within the operation of the treaty, notice to that effect must be given to the Japanese government within two years from August 25, 1894, the date of the exchange of ratifications of treaty.

I have therefore to request that you will be good enough to acquaint me of the wishes of your government in the matter.

RIPON.

## TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND JAPAN.

*Signed at London, July 16, 1894.*

*[Ratifications exchanged at Tokio, August 25, 1894.]*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective states, and being convinced that this object cannot better be accomplished than by revising the treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs;

And His Majesty the Emperor of Japan, Viscount Aoki Siuzo, Junii, first class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James';

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following articles:—



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## ARTICLE I.

The subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the courts of justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each contracting party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the contracting parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or subjects or citizens of the most favoured nation.

## ARTICLE II.

The subjects of either of the contracting parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

## ARTICLE III.

There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two high contracting parties.

The subjects of each of the high contracting parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly, or in partnerships with foreigners or native subjects; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation, subject always to the laws, ordinances, and regulations of each country.



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## ARTICLE IV.

The dwellings, manufactories, warehouses, and shops of the subjects of each of the high contracting parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence of commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances, and regulations for subjects of the country.

## ARTICLE V.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the high contracting parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

## ARTICLE VI.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the high contracting parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

## ARTICLE VII.

The subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

## ARTICLE VIII.

All articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.



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In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the high contracting parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in British vessels, and whatever may be the place of destination, whether a port of either of the contracting parties or of any third power.

## ARTICLE IX.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

## ARTICLE X.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the high contracting parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

## ARTICLE XI.

The coasting trade of both the high contracting parties is excepted from the provisions of the present treaty, and shall be regulated according to the laws, ordinances, and regulations of Japan and of Great Britain, respectively. It is, however, understood that Japanese subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such laws, ordinances, and regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and custom-house regulations of the two countries.

The Japanese government, however, agrees to allow British vessels to continue, as heretofore, for the period of duration of the present treaty, to carry cargo between the existing open ports of the empire, excepting to or from the ports of Osaka, Niigata and Ebusu-minato.

## ARTICLE XII.

Any ship of war or merchant-vessel of either of the high contracting parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would



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be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the contracting parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the consul-general, consul, vice-consul, or consular agent of the district of the occurrence, or if there be no such consular officer, they shall inform the consul-general, consul, vice-consul, or consular agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Majesty shall take place in accordance with the laws, ordinances, and regulations of Great Britain, and reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective consuls-general, consuls, vice-consuls, or consular agents upon being claimed by them within the period fixed by the laws of the country, and such consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all the duties of the customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the contracting parties is stranded or wrecked in the territories of the other, the respective consuls-general, consuls, vice-consuls, and consular agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective states. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

## ARTICLE XIII.

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels, which, according to British law, are to be deemed British vessels, shall, for the purposes of this treaty, be deemed Japanese and British vessels respectively.

## ARTICLE XIV.

The consuls-general, consuls, vice-consuls, and consular agents of each of the contracting parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

## ARTICLE XV.

The high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either contracting party has actually granted, or may hereafter grant, to the government, ships, subjects, or citizens of any



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other state, shall be extended immediately and unconditionally to the government, ships, subjects, or citizens of the other contracting party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

## ARTICLE XVI.

Each of the high contracting parties may appoint consuls-general, consuls, vice-consuls, pro-consuls, and consular agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the contracting parties without being made likewise in regard to every other power.

The consuls-general, consuls, vice-consuls, pro-consuls, and consular agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be granted to consular officers of the most favoured nation.

## ARTICLE XVII.

The subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

## ARTICLE XVIII.

Her Britannic Majesty's government, so far as they are concerned, give their consent to the following arrangement:—

The several foreign settlements in Japan shall be incorporated with the respective Japanese communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity under which property is now held in the said settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese government free of rent for the public purposes of the said settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

## ARTICLE XIX.

The stipulations of the present treaty shall be applicable, so far as the laws permit, to all the colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India,  
The Dominion of Canada,  
Newfoundland,  
The Cape,  
Natal,  
New South Wales,

Victoria,  
Queensland,  
Tasmania,  
South Australia,  
Western Australia,  
New Zealand.



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Provided always that the stipulations of the present treaty shall be made applicable to any of the above-named colonies of foreign possessions on whose behalf notice to that effect shall have been given to the Japanese government by Her Britannic Majesty's representative at Tokio within two years from the date of the exchange of ratifications of the present treaty.

## ARTICLE XX

The present treaty shall, from the date it comes into force, be substituted in place of the conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858, and all arrangements and agreements subsidiary thereto concluded or existing between the high contracting parties; and from the same date such conventions, treaty, arrangements and agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British courts in Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese courts.

## ARTICLE XXI.

The present treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's government shall have given notice to Her Britannic Majesty's government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The treaty shall remain in force for the period of twelve years from the date its goes into operation.

Either high contracting party shall have the right, at any time after eleven years shall have elapsed from the date this treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this treaty shall wholly cease and determine.

## ARTICLE XXII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible, and not later than six months from the present date.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

KIMBERLEY.  
AOKI.

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*Protocol signed at London, July 16, 1894.*

The government of Her Majesty the Queen of Great Britain and Ireland, and Empress of India, and the government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the treaty of commerce and navigation signed this day, have, through their respective plenipotentiaries, agreed upon the following stipulations:—



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1. It is agreed by the contracting parties that one month after the exchange of the ratifications of the treaty of commerce and navigation signed this day, the import tariff hereunto annexed shall, subject to the provisions of article XXIII. of the treaty of 1858 at present subsisting between the contracting parties, as long as the said treaty remains in force and thereafter, subject to the provisions of articles V. and XV. of the treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this protocol, or the tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The *ad valorem* duties established by the said tariff shall, so far as may be deemed practicable, be converted into specific duties by a supplementary convention, which shall be concluded between the two governments within six months from the date of this protocol; the medium prices, as shown by the Japanese customs returns during the six calendar months preceding the date of the present protocol with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the supplementary convention not having come into force before the expiration of the period fixed for the said tariff to take effect, *ad valorem* duties in conformity with the rule recited at the end of the said tariff shall, in the meantime, be levied.

In respect of articles not enumerated in the said tariff, the general statutory tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of article XXIII. of the treaty of 1858, and articles V. and XV. of the treaty signed this day respectively.

From the date the tariffs aforesaid take effect, the import tariff now in operation in Japan in respect of goods and merchandise imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing treaties and conventions shall be maintained unconditionally until the time when the treaty of commerce and navigation signed this day comes into force.

2. The Japanese government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British representative in Tokio, or from any of Her Majesty's consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tokio, or from the chief authorities in the prefecture in which an open port is situated; it being understood that the existing rules and regulations governing British subjects who visit the interior of the empire are to be maintained.

3. The Japanese government undertakes, before the cessation of British consular jurisdiction in Japan, to join the international conventions for the protection of industrial property and copyright.

4. It is understood between the two high contracting parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.



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5. The undersigned plenipotentiaries have agreed that this protocol shall be submitted to the two high contracting parties at the same time as the treaty of commerce and navigation, signed this day, and that when the said treaty is ratified the agreements contained in the protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this protocol shall terminate at the same time the said treaty ceases to be binding.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

KIMBERLEY.

AOKI.

## ANNEX. (TARIFF.)

Articles.	Ad valorem Rates of duty. Per cent.
Caoutchouk, manufacture of.. . . . .	10
Cement, Portland.. . . . .	5
Cotton—	
Yarns .. . . . .	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton, however, predominating .. . . . .	10
Glass, window, ordinary—	
(a) Uncoloured and unstained .. . . . .	8
(b) Coloured, stained, or ground.. . . . .	10
Hats, including also hats of felt.. . . . .	10
Indigo, dry.. . . . .	10
Iron and steel—	
Pig and ingot .. . . . .	5
Rails.. . . . .	5
Bar, rod, plate, and sheet .. . . . .	7½
Tinned plates .. . . . .	10
Galvanized sheet .. . . . .	10
Pipes and tubes .. . . . .	10
Lead, pig, ingot, and slab .. . . . .	5
Leather—	
Sole.. . . . .	15
Other kinds .. . . . .	10
Linen—	
Yarns.. . . . .	8
Tissues .. . . . .	10
Mercury or quicksilver .. . . . .	5
Milk, condensed or desiccated .. . . . .	5
Nails, iron .. . . . .	10
Oil, paraffin.. . . . .	10
Paint in oil .. . . . .	10
Paper, printing .. . . . .	10
Refined sugar .. . . . .	10
Saltpetre .. . . . .	5



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## ANNEX. (TARIFF.)

Articles.	Ad valorem Rates of duty. Per cent.
Screws, bolts, and nuts, iron . . . . .	10
Silk, satins, and silk and cotton mixtures . . . . .	15
Tin—	
Block, pig, and slab . . . . .	5
Plates . . . . .	10
Wax, paraffin . . . . .	5
Wire—	
Telegraph . . . . .	5
Iron and stee, and small rod iron and steel not exceed- ing $\frac{1}{4}$ inch in diameter . . . . .	10
inch in diameter . . . . .	10
Woollen and worsted—	
Yarns . . . . .	8
Tissues of all sorts, plain or mixed with other material, the wool, however, predominating . . . . .	10
Yarns of all sorts, not specially provided for . . . . .	10
Zinc—	
Block, pig, and slab . . . . .	5
Sheet . . . . .	7 $\frac{1}{2}$

*Rule for calculating 'ad valorem' Duties.*

Import duties payable *ad valorem* under this tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

## EXCHANGE OF NOTES.

*The Earl of Kimberley to Viscount Aoki*

FOREIGN OFFICE, July 16, 1894.

SIR,—With reference to article XIX. of the treaty between Great Britain and Japan, signed this day, in view of the fact that some of the British colonies and foreign possessions enumerated in that article might be prevented from acceding to the present treaty by reason of their inability to accept the stipulations relating to military service contained in article II. of the said treaty, and in order to avoid future misunderstandings, Her Majesty's government request from the government of Japan an assurance that any of the said British colonies and possession may accede to the present treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of article II.

KIMBERLEY.



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*Viscount Aoki to the Earl of Kimberley.*

JAPANESE LEGATION, LONDON, July 16, 1894.

M. LE COMTE,—In reply to the note of Her Majesty's government referring to article XIX. of the treaty between Great Britain and Japan, signed this day, and requesting, for the reasons given in the said note, an assurance that any of the British colonies and foreign possessions enumerated in that article may accede to the present treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of article II., the government of Japan hereby give the assurance desired.

AOKI.

*Viscount Aoki to the Earl of Kimberley.*

JAPANESE LEGATION, LONDON, July 16, 1894.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan, in virtue of special authorization from His Imperial Japanese Majesty's government, has the honour to announce to Her Britannic Majesty's principal Secretary of State for Foreign Affairs, that the Imperial Japanese government, recognizing the advantage of having the codes of the empire which have already been promulgated in actual operation when the treaty stipulations at present subsisting between the government of Japan and that of Great Britain cease to be binding, engage not to give the notice provided for by the first paragraph of article XXI. of the treaty of commerce and navigation, signed this day, until those portions of said codes which are now in abeyance are brought into actual force.

The undersigned avails, &amp;c.

AOKI.

DOWNING STREET, February 17, 1896.

The Officer Administering the Government of Canada.

SIR,—With reference to my predecessor's circular despatch of December 31, 1894, I have the honour to transmit to you, for publication in the colony under your government, a copy of a convention between Great Britain and Japan, signed at Tokio, July 16, 1895, supplementary to the treaty of commerce and navigation between the two countries of July 16, 1894.

J. CHAMBERLAIN.

SUPPLEMENTARY CONVENTION BETWEEN GREAT BRITAIN AND  
JAPAN RESPECTING THE DUTIES TO BE CHARGED ON  
BRITISH GOODS IMPORTED INTO JAPAN.

*Signed at Tokio, July 16, 1895.**[Ratifications exchanged at Tokio, November 21, 1895.]*

Whereas, by the protocol signed at London on July 16, 1894, it was agreed between the government of Her Britannic Majesty and the government of His Majesty the Emperor of Japan that the *ad valorem* duties of the tariff annexed to the aforesaid protocol should, so far as might be deemed practicable, be converted into specific duties by means of a supplementary convention, to be concluded between the two governments within six months from the date of that protocol; and



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Whereas, this period was extended by subsequent arrangement;

The high contracting parties have appointed as their plenipotentiaries to conclude a convention for this purpose, that is to say:—

Her Britannic Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Gerard Augustus Lowther, Her Britannic Majesty's Charge d'Affaires;

And His Majesty the Emperor of Japan, Marquis Saionji Kimmochi, Junii, first class of the Order of the Sacred Treasure, His Imperial Majesty's Minister of State for Education, and Acting Minister of State for Foreign Affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

1. The tariff annexed to this convention shall be substituted for the *ad valorem* tariff annexed to the aforesaid protocol of July 16, 1894; it shall be subject to all stipulations contained in article 1 of that protocol, in so far as these are applicable, and it shall come into force one month after the exchange of the ratifications of this convention.

2. The specific duties established by this convention shall be subject to triennial readjustment. Such readjustment shall be based on the difference between the average of the two quarterly rates of exchange adopted by the Japanese customs during the six months ending June 30, 1894, and the average of the rates of exchange adopted by the Japanese customs for the four quarters preceding that in which each successive period of three years expires.

The schedule of readjusted duties shall be published by the Japanese government three months in advance, and shall take effect immediately upon the expiration of the said period.

It is understood between the high contracting parties that the operation of this stipulation shall be subject to the acceptance of a similar arrangement by the other powers with whom conventional tariffs are now being negotiated by Japan.

3. The quarterly rates of exchange mentioned in the preceding article are the rates determining the comparative values, as entered in the quarterly tables published by the Japanese Department of Finance, of the present Japanese silver yen on the one hand, and of the English pound sterling on the other.

4. The present convention shall have the same duration as the treaty and protocol concluded on July 16, 1894, of which it is a complement.

5. The present convention shall be ratified, and the ratifications shall be exchanged at Tokio as soon as possible, and not later than six months from the present date.

Done at Tokio, in duplicate, this 16th day of July, 1895.

GERARD AUGUSTUS LOWTHER.  
MARQUIS SAIONJI.



SESSIONAL PAPER No. 117

## ANNEX.

*Tariff.*

No.	Articles.	Duty. Yen.
1.	Caoutchouc, manufacture of . . . . . <i>ad valorem</i>	10 per cent.
2.	Cement, Portland. . . . .100 catties	0·065
3.	Cotton yarns, plain or dyed . . . . .“	4·180
Cotton tissues—		
4.	Drills . . . . .square yard	0·016
5.	Duck . . . . .“	0·053
6.	Handkerchiefs in the piece . . . . .“	0·011
7.	Prints . . . . .“	0·012
8.	Sateens, plain, figured or printed, brocades, Italians and figured shirting. .square yard	0·017
9.	Shirtings, dyed . . . . .“	0·013
10.	“ grey . . . . .“	0·006
11.	“ twilled. . . . .“	0·011
12.	“ white or bleached . . . . .“	0·010
13.	T-cloths . . . . .“	0·009
14.	Turkey and cambrics . . . . .“	0·012
15.	Velvets or velveteens . . . . .“	0·041
16.	Victoria lawns. . . . .“	0·006
17.	All other sorts of pure cotton tissues, and all tissues of cotton mixed with flax, hemp, or other fibre, including wool, the cotton, however, predominating in weight, not specially provided for in this tariff. . . . . <i>ad valorem</i>	10 per cent.
NOTE.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of cotton tissues.		
18.	Glass, window, ordinary—	
	(a) Uncoloured and unstained . . . .100 sq. ft.	0·302
	(b) Coloured, stained, and ground. . <i>ad valorem</i> . .	10 per cent.
19.	Hats, including also hats of felt . . . . .“	10 per cent.
20.	Indigo, dry. . . . .100 catties	12·953
Iron and mild steel—		
21.	Pig and ingot. . . . .“	0·083
22.	Bar and rod, exceeding $\frac{1}{4}$ -inch in diame- ter . . . . .100 catties	0·261
23.	Nails, including spikes, sprigs, tacks, and brads—	
	(a) Plain. . . . .100 catties	0·573
	(b) Galvanized. . . . .“	10 per cent.
24.	Pipes and tubes . . . . .“	10 per cent.
25.	Plate and sheet . . . . .100 catties	0·296
26.	Rails . . . . .“	0·129
27.	Screws, bolts, and nuts, plain and gal- vanized . . . . . <i>ad valorem</i>	10 per cent.
28.	Sheet, galvanized, both plain and corru- gated . . . . .100 catties	0·740



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No.	Articles.	Duty. Yen.
29.	Tinned plates—	
	(a) Ordinary . . . . .100 catties	0·691
	(b) Crystallized.. . . . <i>ad valorem</i>	10 per cent.
30.	Wire, and small rod not exceeding $\frac{1}{4}$ -inch in diameter . . . . .100 catties	0·503
31.	Wire, telegraph or galvanized.. . . .“	0·256
NOTE.—By the term ‘mild steel,’ as used in this tariff is understood mild steel manufactured by the Siemens, Bessemer, Basic, or similar processes, and approximating in value to iron of the same class in this tariff.		
32.	Lead, pig, ingot and slab.. . . .100 catties	0·316
33.	Leather—	
	(a) Sole . . . . .“	5·690
	(b) Other kinds.. . . . <i>ad valorem</i>	10 per cent.
34.	Linen yarns, plain or dyed.. . . .100 catties	6·527
Linnen tissues—		
35.	Canvas . . . . .square yard	0·047
36.	All other sorts.. . . . <i>ad valorem</i>	10 per cent.
NOTE.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of linen tissues.		
37.	Mercury or quicksilver.. . . .100 catties	5·048
38.	Milk, condensed or desiccated.. . . .doz. 1 lb. tins and proportionately for tins of other weights.	0·123
39.	Oil, paraffin . . . . . <i>ad valorem</i>	10 per cent.
40.	Paint in oil . . . . .100 catties	1·304
41.	Paper, printing . . . . .“	1·163
42.	Saltpetre (nitrate of potash) . . . . .“	0·490
43.	Silk-faced cotton satins . . . . . <i>ad valorem</i>	15 per cent.
NOTE.—It is expressly understood that all other mixed tissues of cotton and silk, and of wool and silk, where the cotton or wool predominates in weight, are to be classed for duty under Nos. 17 and 61 of this tariff respectively.		
Steel (other than mild steel)—		
44.	Ingot . . . . . <i>ad valorem</i>	5 per cent.
45.	Bar, rod, plate, and sheet.. . . .“	7½ per cent.
46.	Wire, and small rod not exceeding $\frac{1}{4}$ -inch in diameter.. . . .100 catties	1·819
47.	Sugar, refined—	
	(a) No. 15 to No. 20, inclusive, Dutch standard in colour.. . . .100 catties	0·748
	(b) Above No. 20, Dutch standard in colour.. . . .100 catties	0·827
Tin		
48.	Block, pig and slab . . . . .“	1·992
49.	Plates . . . . . <i>ad valorem</i>	10 per cent.
50.	Wax, paraffin.. . . .100 catties	0·544
51.	Woollen and worsted yarns, plain or dyed . . . . .100 catties	9·169



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No.	Articles.	Duty. Yen.
	Woollen and worsted tissues, pure or mixed with other material—	
52.	Alpacas... ..square yard	0·075
53.	Blanketing and whipped blankets in plain weave... ..100 catties	7·458
54.	Buntings.... ..square yard	0·031
55.	Cloth—	
	(a) Wholly of woollen or worsted yarn, or of woollen or worsted yarns, such as broad, narrow, and army cloth, cassi- meres, tweeds and worsted coat- ings ... ..square yard	0·093
	(b) In part of woollen or worsted yarn and in part of cotton yarn, such as pilot, president, and union cloth... ..square yard	0·039
56.	Flannels ... ..“	0·044
57.	Italian cloth ... ..“	0·029
58.	Long ells... ..“	0·036
59.	Mousseline de laine ... ..“	0·021
60.	Serges—	
	(a) Where the warp is worsted and the weft woollen ... ..square yard	0·056
	(b) All other kinds ... .. <i>ad valorem</i>	10 per cent.
61.	All other sorts, pure or mixed with other ma- terial, the wool, however, predominating in weight, not specially provided for in this tariff... .. <i>ad valorem</i>	10 per cent.
NOTE.—It is expressly understood that ready-made clothing and other made-up articles are not included under the heading of woollen and worsted tissues.		
62.	Yarns, all sorts, not specially provided for in this tariff... .. <i>ad valorem</i>	10 per cent.
	Zinc—	
63.	Block, pig and slab ... ..100 catties	0·451
64.	Sheet ... ..“	0·928

WEIGHTS, MEASURES AND COINS.

The catty mentioned in this tariff is the Japanese weight. It is equal to 600 grammes of the metric system of weights, or 1·32277 lbs. English avoirdupois weight.

The pound is the English avoirdupois weight.

The square yard and square foot are the English imperial surface measures.

The yen is the present Japanese silver yen of 900 fineness and 416 grains in weight.

RULE FOR CALCULATING ‘AD VALOREM’ DUTIES.

Import duties payable *ad valorem* under this tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addi-



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tion of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

RULE FOR MEISUREMENT OF TISSUES.

In determining the dutiable width of any tissue the customs shall discard all fractions of an inch not exceeding half an inch, and shall count as a full inch all fractions exceeding half an inch.

NOTE.—It is understood that selvages shall not be included in the measurement of tissues.

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DOWNING STREET, February 20, 1896.

Governor General,

The Right Honourable the EARL OF ABERDEEN, P.C., G.C.M.G.,  
&c., &c., &c.

MY LORD,—With reference to Sir H. Strong's despatch No. 199, of August 6, on the subject of the adhesion of Canada to the commercial treaty between this country and Japan, I have the honour to transmit to Your Lordship a copy of a letter from the Foreign Office in reply to one suggesting that Her Majesty's representative at Tokio should ascertain whether the Japanese government would be willing to adopt the proposals of your government.

I shall be glad to be informed at an early date whether it is desired that the adhesion of Canada to the treaty should be notified to the Japanese government, the time for notifying adhesions expiring on August 25 next.

J. CHAMBERLAIN.

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FOREIGN OFFICE, February 10, 1896.

The Under Secretary of State,  
Colonial Office.

SIR,—With reference to your letter August 26 respecting the adhesion of British colonies to the treaty of commerce between this country and Japan, I am directed by the Marquis of Salisbury to acquaint you, for Mr. Chamberlain's information, that a telegram has been received from Sir E. Satow, to whom instructions were sent in accordance with the terms of your letter.

Sir E. Satow states that after much delay the Japanese government have expressed their willingness to admit a proviso similar to that made with the United States, but without the mention of labourers.

They also stipulate, for the termination of the treaty, so far as the colonies are concerned, on six months' notice from either side.

Sir E. Satow has pointed out that this is less than was originally conceded to the United States, whose treaty was to last for eleven years, and has asked the Japanese government to reconsider the question.

FRANCIS BERTIE.



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DOWNING STREET, March 18, 1896.

Governor General,

The Right Honourable the EARL OF ABERDEEN, P.C., G.C.M.G.,  
&c., &c., &c.

MY LORD,—With reference to my despatch 'General,' of February 20, on the subject of the adhesion of Canada to the commercial treaty between this country and Japan, I have the honour to transmit to Your Lordship, for the confidential information of your government, a copy of a further letter from the Foreign Office regarding the adhesion of the colonies to the treaty.

J. CHAMBERLAIN.

FOREIGN OFFICE, March 10, 1896.

The Under Secretary of State,  
Colonial Office.

SIR,—With reference to the letter addressed to you on the 10th ultimo, respecting the question of the adhesion of the colonies to the commercial treaty between this country and Japan, I am directed by the Marquis of Salisbury to state that a telegram has been received from Her Majesty's minister at Tokio reporting that the Japanese government will not recede from their position, but desire to deal separately with each colony and to reserve power to terminate the treaty at six months' notice.

Sir E. Satow further states that he has been assured by the minister president of his willingness to agree to the proposal of Her Majesty's government, but that a different view is taken by the Minister for Foreign Affairs; and Sir E. Satow proposed to present on the 9th instant a memorandum again urging the adoption of the original proposal.

His Lordship has authorized Sir E. Satow by telegraph to present a memorandum as he proposes.

T. H. SANDERSON.

DOWNING STREET, April 21, 1896.

Governor General,

The Right Honourable the EARL OF ABERDEEN, P.C., G.C.M.G.,  
&c., &c., &c.

MY LORD,—With reference to my confidential despatch of March 18, I have the honour to transmit to you, for the consideration of your government, in connection with the question of the adhesion of Canada to the commercial treaty between this country and Japan, copies of two further letters from the Foreign Office inclosing a copy of despatches and of a telegram from Her Majesty's minister at Tokio relative to the negotiations in regard to the adhesion of the British colonies to the treaty.

I have to add that I have learnt from the Foreign Office that Lord Salisbury concurs in my view that Her Majesty's government should await the decision of your government before taking any further action in this matter.

J. CHAMBERLAIN.



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FOREIGN OFFICE, March 19, 1896.

The Under Secretary of State,  
Colonial Office.

SIR,—With reference to my letter of the 10th instant, respecting the negotiations with the Japanese government as to the adhesion of British colonies to the treaty between Great Britain and Japan of July 16, 1894, I am directed by the Marquis of Salisbury to transmit to you herewith copies of despatches from Sir E. Satow, reporting the communications which passed at the beginning of last month and showing the position taken up by the Japanese government.

Mr. Secretary Chamberlain will have observed from my letter referred to above that the Japanese government have hitherto maintained their view that each colony should be dealt with separately, and that the treaty should be made terminable at six months' notice.

Lord Salisbury will be glad to receive any observations which may occur to Mr. Chamberlain on the various points dealt with in the inclosed despatches.

T. H. SANDERSON.

FOREIGN OFFICE, March 21, 1896.

The Under Secretary of State,  
Colonial Office.

SIR,—With reference to my letter of the 19th instant, I am directed by the Marquis of Salisbury to transmit to you the inclosed copy of a telegram from Her Majesty's minister at Tokio, relative to the negotiations in regard to the adhesion of British colonies to the treaty between Great Britain and Japan of July 16, 1894.

It will be seen that the Japanese government are willing to make the treaties terminable at one year's notice instead of six months, but that they still desire the omission of the words 'including artisans,' after the word 'labourers,' in connection with the stipulations relating to Japanese immigration.

Sir E. Satow inquires whether he should further urge the extension of the duration of the treaties from one year to twelve, in which case he suggests that perhaps the point as to 'artisans' might be conceded.

Lord Salisbury would be glad to learn what reply Mr. Secretary Chamberlain would wish to be returned to Sir E. Satow.

T. H. SANDERSON.

*Decypher Sir E. Satow.*

Tokio, March 19, 1896.

D. 8.25 p.m.

R. 5.30 p.m.

No. 17. My despatch No. 26 and telegram No. 15.

Memorandum was presented on March 9. To-day Minister for Foreign Affairs handed me reply. Japanese government consent to extend period of six months to one year and to admit our Australian colonies as well as Canada, excluding India and the Cape from the provision as to the labour legislation.

They still desire omission of the word 'artisans,' as that term would make the treaty altogether too exclusive. They say that introduction of reservation into United States treaty was in return for very valuable concessions.



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I understand privately that the concession was the abandonment of the tariff by the United States.

Does Your Lordship desire me to urge further extension of one year to twelve, the duration of our treaty. If so, perhaps we might give way as to artisans.

Japan: Treaty Revision.  
Confidential.

(March 12.)  
Section 1.

No. 1.

*Sir E. Satow to the Marquis of Salisbury.—(Received March 12.)*

TOKIO, February 5, 1896.

MY LORD,—I have the honour to acknowledge receipt of Your Lordship's despatch No. 78 of September 3, 1895, transmitting copy of a letter from the Colonial Office respecting the adhesion of British colonies to the treaty of commerce between Great Britain and Japan, and pointing out that the Canadian government wish to make an express stipulation with reference to Japanese immigration, such as has been inserted in the treaty between the United States and Japan, and that some further definition of the term 'labourer' is also desired. Your Lordship instructed me to inquire whether the Japanese government would be willing, in accepting the accession of the colonies mentioned in the British treaty, to admit a proviso similar to that which is made at the end of article II. of the treaty with the United States, and also to insert in it the words 'including artisans' after the word 'labourers.'

With the object of explaining clearly what was desired on the part of Her Majesty's government, I prepared the *aide-mémoire*, of which a copy is inclosed, and presented it to the Acting Minister of Foreign Affairs on October 18 last.

Subsequently, on further consideration of the terms of Your Lordship's despatch, it appeared to me that owing to my attention having been directed chiefly to the inclosed correspondence from the Colonial Office, my *aide-mémoire* might be misunderstood as referring only to the case of Canada. I took an opportunity therefore of explaining to His Excellency that it was to be taken as covering the case of all such colonies as might desire to make a similar reservation, and I found that he had understood it in that sense. At the same time, I endeavoured to make it clear to him that my instructions were for the present limited to making an inquiry, and that the *aide-mémoire* was not to be construed as stating the readiness of the Canadian government to signify their adhesion.

I have on several occasions since October 18 sounded the Acting Minister of Foreign Affairs as to the views of the Japanese government. At first his answer was to the effect that the matter had been referred to Count Mutsu, who, though living in retirement at Oiso for the benefit of his health, still exercised a large influence in the determination of the foreign policy of the government. On every occasion when I pressed for an answer, Marquise Saionji promised that I should shortly receive it, and I have therefore deferred reporting to Your Lordship on the subject. Not long ago he stated that the cabinet were desirous of eliminating the word 'artisans,' and also of making the special stipulation terminable on either side giving six months' notice, but he added that they might nevertheless eventually accept the proposal originally made.

The day before yesterday I took advantage of conversation on other business to inquire whether I might regard what he had told me as official, and learnt that the Japanese government adhere to their desire in these two respects. He added that the draft of their reply was being circulated among the members of the cabinet, and had



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received the approval of three ministers. Consequently he calculated that it would be possible to communicate it to me in about ten days' time. If I had any observations to offer in response, he would then be prepared to discuss them with me.

I understand that the idea of limiting the duration of the treaty in regard of colonies which adhere to it under the proposed stipulation was partly suggested by the amendment to the foregoing treaty proposed by the government of the United States of America and ratified with the treaty,' signed at Washington on November 22 last. As Your Lordship is aware, this amendment was made at the instance of a senator, on the ground that the treaty would thereby be brought into conformity with the other treaties of the United States.

ERNEST SATOW.

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INCLOSURE IN No. 1.

*Aide-mémoire.*

Her Majesty's government has informed Her Britannic Majesty's minister that the Canadian government in signifying its adhesion to the treaty of commerce between Great Britain and Japan would wish to make an express stipulation with reference to Japanese immigration such as has been inserted in the treaty between the United States and Japan, signed on November 22, 1894, and that some further definition of the term 'labourer' is also desired.

Should the Japanese government be prepared to fall in with the views of the Canadian government, it is suggested that a proviso similar to that which is made at the end of article II. of the treaty with the United States be admitted, and also that the words 'including artisans' be inserted after the word 'labourers.'

OCTOBER 18, 1895.

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No. 2.

*Sir E. Satow to the Marquis of Salisbury.—(Received March 12.)*

TOKIO, February 7, 1896.

MY LORD,—At the request of the Acting Minister for Foreign Affairs, I called on His Excellency this afternoon for the purpose of receiving the reply of the Japanese government respecting the conditions on which Canada and other colonies might adhere to the treaty between Great Britain and Japan, in anticipation by some days of the date mentioned in my despatch No. 24, of the 5th instant.

His Excellency produced a written memorandum, the terms of which were to the purpose that the Japanese government were willing to agree that Canada in signifying her adhesion to the treaty might do so with a proviso that the stipulations of the treaty shall not in any way affect the laws of either country with regard to the immigration of labourers, and further, that the treaty should cease to be binding six months after notice to terminate had been given by either side.

I remarked to His Excellency that I had endeavoured some time back to explain that the inquiry which I had been instructed to make was not limited to Canada, and that it was desired that the proviso should extend likewise to the other colonies mentioned in article XIX. of the treaty.

After some consultation with his private secretary, Marquis Saionji explained that as the Australian colonies were understood to be the only ones in which there existed a labour question, it would probably be found more convenient to specify them, since other colonies, as Natal had already done, might then adhere to the treaty uncon-



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ditionally, and in that case it would have effect, as far as they were regarded, for the whole term of its duration.

I expressed the opinion that it might be found convenient to substitute the words 'colonies mentioned in article XIX. of the treaty' for the words 'Canadian government,' used in my *aide-mémoire* of October 18, and said that I would lose no time in handing him a memorandum of the alteration, which, in fact, would be merely in accord with my instructions.

On my asking for an explanation of the reasons for proposing that either side should be enabled to terminate the treaty by giving six months' notice, His Excellency said that it had seemed to the Japanese government that neither party should be bound for a longer period than was desirable, and therefore the term of one year, named in the United States' treaty, had been reduced to six months.

I observed to His Excellency that the United States' treaty, as it was originally drafted, stipulated for a duration of twelve years, and the stipulation reducing this period to one year had been added afterwards as a sort of postscript, it being expressly stated that the amendment in question had been 'proposed by the government of the United States.' It would consequently appear that at the time of the negotiations with the United States the Japanese government were willing to concede a duration of twelve years in the case of a treaty containing a reservation of legislation upon labour, but that now as regards a colony of Great Britain they wished to reduce this to six months. I was desirous, I said, of being in a position to explain to Her Majesty's government the reason for this change in their views, as otherwise it might seem as if there was some unwillingness to accord to Great Britain what, on a previous occasion, had been readily conceded to the United States.

After some further conversation on this point, His Excellency said that although the memorandum had received the approval of the cabinet, he would give the matter further consideration, and that, for the present, he would retain the document in his possession. This is the explanation of my being unable to furnish Your Lordship with its exacting wording.

It seems obvious that the Japanese government, who have taken nearly four months to consider their reply, desire to be in a position to terminate the treaty whenever any of the colonies that might accede to it with this proviso proceeded to legislate against the free immigration of Japanese labour, and I could not conceal from His Excellency my feeling that this was not a very friendly attitude to take up. I assured him, however, that as far as I could foresee, there would, in all probability, be no necessity for either Canada or the Australian colonies placing restrictions on Japanese, who usually lived on the same scale as Europeans in foreign countries, and that no disadvantage was likely to result to Japan from consenting to this proviso. As His Excellency was aware, no such legislation had ever been resorted to in the past.

I think it is not difficult to understand why the Japanese government, feeling that such provisions are calculated to place them in the eyes of the world on a level with the Chinese, should endeavour, while apparently consenting to them, to render them practically inoperative from the beginning.

ERNEST SATOW.

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No. 3.

*Sir E. Satow to the Marquis of Salisbury.—(Received March 12.)*

(No. 31.)

TOKIO, February 11, 1906.

MY LORD,—With reference to my despatch, No. 26, of the 7th instant, I have the honour to inclose copy of a verbal note which I yesterday presented to the Acting Minister for Foreign Affairs, explaining that the inquiry I had addressed to the Japanese



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government respecting the condition which the Canadian government desire to attach to their adhesion to the treaty between Great Britain and Japan included the case of the other colonies mentioned in article XIX. of the treaty, as I had in fact stated to His Excellency on December 19 last.

I found him disposed to take a somewhat more conciliatory view of the question than at our previous interview, though not ready to give way entirely. He suggested that for six months' notice a year might be substituted, which, I said, was not at all in accordance with the wishes of the colonial governments. In order to give him further time for consideration, and to consult his colleagues, I added that I would defer further conferring with him until the day of his usual weekly reception, which takes place on the 13th instant.

ERNEST SATOW.

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INCLOSURE IN No. 3.

*Note-verbale.*

In the *aide-mémoire* delivered on October 18 last, Her Majesty's minister mentioned the wishes of the Canadian government with regard to the question of their adhesion to the treaty of commerce between Great Britain and Japan, but, as explained by him to His Excellency, the Acting Minister for Foreign Affairs on December 19 last, he was instructed by his government to make a general inquiry on behalf of the colonies mentioned in article XIX. of the treaty.

Consequently, he has the honour to inquire whether the Imperial Japanese government, in accepting the adhesion of any of the colonies mentioned in that article, would be willing to admit the proposed stipulation in the case of such colonies as should express a wish to that effect.

FEBRUARY 10, 1896.

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*Mr. Chamberlain to Lord Aberdeen.*

DOWNING STREET, May 14, 1896.

The Right Honourable the EARL OF ABERDEEN, P.C., G.C.M.G.,  
&c., &c., &c.

MY LORD,—With reference to my confidential despatch of the 2nd instant, I have the honour to transmit to Your Lordship for the confidential information of your government, a copy of a further despatch from Her Majesty's minister at Tokio regarding the accession of Canada and other colonies to the commercial treaty between this country and Japan.

J. CHAMBERLAIN.

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No. 2.

*Sir E. Satow to the Marquis of Salisbury.—(Received April 27.)*

(No. 59.)

Tokio, March 23, 1896.

MY LORD,—In continuation of my despatch No. 47 of the 10th instant, I have the honour to forward a copy of a further memorandum handed to me on the 19th instant by the Acting Minister for Foreign Affairs regarding the conditions under which the



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Japanese government are willing that the Dominion of Canada and the Australasian colonies in acceding to the new treaty of commerce and navigation should reserve the right to legislate with respect to labour immigration.

The Japanese government, as Your Lordship will observe, consent to extend the term of the treaty to one year from the date of notice, thus placing those colonies and possessions on a parity with the United States. They think it due to themselves to point out that the idea of concluding the treaty for twelve years did not originate with them, but that, on the contrary, they have invariably advocated a shorter term for their commercial treaties, and the American proposal to reduce the life of that treaty to one year consisted (? coincided) exactly with their wishes. It seems still more desirable, adds the memorandum, to explain that in view of the introduction into that treaty of the reservation regarding labour immigration, very valuable concessions were made to the Japanese government. The confident belief is expressed that Her Majesty's government will not fail to perceive in the present proposal a clear desire on the part of the Japanese government to place the British colonies on at least as favourable a footing as any of the treaty powers.

Secondly in view of the exceptional circumstances to which my memorandum of the 9th instant alluded, they announce that they would consent to the adhesion to the Anglo-Japanese treaty, upon the same terms and conditions as Canada, of those British colonies and possessions which in the matter of labour immigration occupy the same position as Canada.

Thirdly, the Japanese government would still desire to exclude the word 'artisan' from the proposed reservation, as the introduction of that term would, they consider, make the treaty altogether too restrictive.

I had the honour to telegraph the substance of the foregoing to Your Lordship on the 19th instant, adding that I understood from a private source that the concession alluded to as having been made by the United States was the sacrifice of the conventional tariff, and I asked Your Lordship for instructions in case it should be desired by Her Majesty's government that I should further urge the extension of the period of one year, now offered, to the twelve years mentioned in our treaty. I also suggested that in that case we should give way with respect to the word 'artisans.'

On my inquiring of Marquis Saionji what were the important concessions referred to, I failed to elicit any information from His Excellency, but there is no doubt whatever that the tariff is meant. The principal American imports into Japan are machinery, flour, raw cotton, and kerosene. Machinery and flour are, however, not included in the tariff annexed to the British treaty, and therefore as regards the former, of which far more is imported from Great Britain than from the United States, the latter made no concession that Great Britain had not already admitted. On raw cotton the Japanese government intend to at once abolish the import duty in favour of the native yarn-spinning industry, while kerosene, being the illuminant more extensively used in Japan, is not likely ever to be subjected to a very high duty, as the supply of native kerosene is too restricted to compete with the American and Russian import. Consequently, the important concessions spoken of do not appear to be of very great actual value.

I said that, at the risk of repeating what I had observed on a previous occasion, it would be at once noticed that Japan refused to concede to the British colonies and possessions what she had willingly accorded to the United States, and that I did not think this reflection would produce a very satisfactory impression on Her Majesty's government. His Excellency replied that he would prefer not to enter into any discussion, for which, indeed he evidently was not prepared. I consequently informed him that I would acquaint Your Lordship with the reply of the Japanese government, and await Your Lordship's further instructions.

ERNEST SATOW.



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## INCLOSURE IN No. 2.

*Memorandum.*

His Imperial Majesty's government, in deference to the wishes expressed by His Excellency, Her Britannic Majesty's minister, in his *note-verbale* of the 9th instant, have again taken into consideration the questions which have heretofore been under examination in connection with the conditional adhesion of certain British colonies and possessions to the treaty of commerce and navigation between Japan and Great Britain. While the imperial government regret that they are unable to meet the wishes of Her Britannic Majesty's government in their entirety, they are nevertheless gratified to say that they have found it possible, in a measure, to modify in the desired direction their earlier resolution:—

1. The imperial government would consent to extend the term of duration of the treaty to one year from the date of notice, in respect of the Dominion of Canada and other similarly situated British colonies and possessions that may desire conditionally to give their adhesion to it; thus in the matter of time, placing those colonies and possessions on a parity with the United States.

The imperial government, however, think it is due to themselves to point out in response to the suggestion of His Excellency the British minister, that the idea of concluding the treaty to which His Excellency made reference for a term of twelve years did not originate with them. On the contrary, they have invariably advocated a shorter term for their commercial treaties, and the proposal to reduce the life of that treaty consisted (*sic*) exactly with their wishes. But it seems to be still more desirable to explain that, in view of the introduction into the treaty in question of the reservation regarding labour immigration, the power with which that treaty was concluded made very valuable concessions to the imperial government.

If these circumstances are taken into consideration, it is confidently believed that Her Britannic Majesty's government will not fail to perceive in the present proposal a clear desire on the part of the imperial government to place the British colonies on at least as favourable a footing as any of the treaty powers.

2. The imperial government, having regard to the exceptional circumstances to which Sir E. Satow alluded, announce that they would consent to the adhesion to the Anglo-Japanese treaty, upon the same terms and conditions as Canada, of those British colonies and possessions enumerated in article XIX. of that treaty, which have not already declared their accession and which, in the matter of labour immigration, occupy the same position as Canada. This definition, it is understood, would include the seven Australasian colonies of Great Britain.

3. The imperial government would still desire to exclude the word 'artisan' from the proposed reservation.

The introduction of that term would, in the estimation of the imperial government, make the treaty altogether too restrictive.

FOREIGN OFFICE, JAPAN, 19th day, 3rd month, 29th year of Meiji.

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DOWNING STREET, June 19, 1896.

Governor General,

The Right Honourable the EARL OF ABERDEEN, P.C., G.C.M.G.  
&c., &c., &c.

MY LORD,—With reference to previous confidential correspondence respecting the commercial treaty between this country and Japan, I have the honour to transmit to Your Lordship a copy of a further letter from the Foreign Office inclosing despatches



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from Her Majesty's minister at Tokio, on the subject of labour immigration to the colonies, and the anxiety of the Japanese government to be informed as to the adhesion of Canada and the Australian colonies to the treaty of July 16, 1894.

With reference to Sir E. Satow's despatch of April 16, I would point out that it is desirable that Her Majesty's minister should be informed at as early a date as possible of the view of your government on the whole question.

J. CHAMBERLAIN.

FOREIGN OFFICE, June 12, 1896.

The Under Secretary of State,  
Colonial Office.

SIR,—I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for the Colonies, the accompanying copy of a despatch from Her Majesty's minister at Tokio, on the subject of labour immigration to the colonies.

FRANCIS BIRTIE.

*Japan Treaty Revision.*  
*Confidential.*

(May 21.)

Section 1.

No. 1.

*Sir E. Satow to the Marquis of Salisbury.—(Received May 21.)*

TOKIO April 11, 1896.

MY LORD,—With reference to previous correspondence on the subject of reserving to certain colonies and possessions of Her Majesty the power of legislating with regard to the immigration of labour, I have the honour to inclose translation of a law for the protection of emigrants passed during the recent session of the Diet.

ERNEST SATOW.

INCLOSURE IN No. 1.

*Extract from the 'Official Gazette' of April 8, 1896.*

Law No. 70.—Law for the Protection of Emigrants.

CHAPTER I.—EMIGRANTS.

Article 1.—The term 'emigrants,' as employed in this law, is used to designate such persons as go abroad for the purpose of engaging in labour and the members of their families accompanying them, or proceeding abroad to their place of residence.

The various kinds of labour above mentioned shall be defined by departmental order.

Article 2.—Emigrants may not proceed to foreign countries without first obtaining a permit from the executive authorities.

Such permit loses its validity if the emigrant does not leave within six months from the day of issue.



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Article 3.—The executive authorities having regard to the local conditions of the country to which it is proposed to emigrate, may require emigrants acting independently of emigration agents, to find two or more suitable sureties.

Such sureties shall assist or repatriate the emigrant in the event of illness or other trouble, or repair the expenses incurred where the executive authorities themselves assist or repatriate such emigrant.

Article 4.—For the protection of the emigrant himself, the maintenance of public security, or, when deemed necessary, for reasons of foreign policy, the authorities may forbid an emigrant's proceeding abroad for a time, or cancel a permit already granted.

The period of such detention is not to be reckoned in the time limit mentioned in clause 2 of article 2.

#### CHAPTER II.—EMIGRATION AGENTS.

Article 5.—The term 'emigration agent' as employed in this land, is used to designate any person who under whatsoever name, makes a business of recruiting emigrants or assisting in their shipment abroad.

Article 6.—Any person desiring to become an emigration agent must obtain a license from the authorities.

Such license loses its validity if the holder does not open business within six months from the day of issue.

Article 7.—None but Japanese subjects or companies, of which the members and shareholders are exclusively Japanese subjects, and which have their head business office in Japan, can become emigration agents.

Other necessary qualifications of emigration agents to be defined by departmental order.

Article 8.—The authorities may temporarily suspend the business of any emigration agent, or cancel his business license where his conduct is in violation of laws or departmental orders, or is deemed dangerous to public safety, or when he has neglected duly to furnish the security required of emigration agents.

Article 9.—An emigration agent whose business has been closed officially, or by his own act, cannot suspend the fulfilment of contracts with emigrants already shipped abroad.

Article 10.—An emigration agent must obtain the permission of the executive authorities in the manner prescribed by departmental order when appointing a substitute and deputing his business to him.

Article 11.—An emigration agent is forbidden to ship emigrants to any place where a responsible member of the association or superintending official or deputy has not been appointed to reside.

Article 12.—An emigration agent may not act as go-between or recruiting agent, except in the case of persons proceeding abroad as emigrants.

Article 13.—When assisting in the shipment or engagements of emigrants, the emigration agent is required to enter into a written contract with them and obtain the approval of the authorities thereto.

The necessary terms of such contract to be determined by departmental order.

Article 14.—The emigration agent is not permitted in any capacity whatsoever to receive money or goods from emigrants other than the charges or fees for services connected with their shipment as specified in the written contract, to which approval, as mentioned in preceding article, has been given.

Article 15.—The emigration agent is required to arrange and make known the date of departure at the time of engaging emigrants. When the agent without due cause, does not despatch the emigrants by the date fixed upon, he shall be liable for the expenses of the emigrants resulting from such delay.



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## CHAPTER III.—SECURITY.

Article 16.—The emigration agent is forbidden to open business as such before depositing security with the executive authorities, who shall determine the sum required by way of security, taking \$10,000 as the inferior limit.

Article 17.—The executive authorities may, when it is deemed advisable, increase or reduce the amount of security, provided that they shall not reduce it below the minimum mentioned in the preceding article.

Article 18.—The executive authorities may, when they consider that the emigration agent is not duly carrying out his contract towards the emigrants, assist the latter or procure their repatriation, paying expenses from the money received as security.

Article 19.—When the business of an emigration agent is closed, whether by reason of his decease, the dissolution of the association, the cancelling of his license, or other cause, the authorities may refrain from returning the whole or a part of the money taken as security as long as they may deem it necessary so to retain it.

Article 20.—During such time as the emigration agent's business is being carried on, or the authorities deem it necessary to retain the security money, such money cannot be laid under contribution for the payment of debts by any person other than emigrants, and their heirs or successors, when enforcing their rights under a contract framed in accordance with the provisions of this law.

## CHAPTER IV.—PENAL CLAUSES.

Article 21.—Any emigrant proceeding abroad without a permit, or with a permit obtained by false representations of his destination, or in defiance of an embargo laid upon his departure, shall be liable to a fine of not less than 5 yen or not more than 50 yen.

Article 22.—Any emigration agent or his deputy assisting an emigrant to go abroad in violation of any law or order, or shipping an emigrant abroad while under an embargo, shall be liable to a fine of not less than 50 yen and not more than 500 yen.

Article 23.—An person acting as an emigration agent without obtaining a license from the authorities, and any emigration agent or his deputy engaging or assisting in the shipment of emigrants while his business is under official suspension, shall be liable to a fine of not less than 200 yen and not more than 1,000 yen.

Article 24.—Any emigration agent causing any person to act as his deputy without his having obtained a permit for that purpose from the authorities, and any person so acting, shall be liable to a fine of not less than 20 yen and not more than 200 yen.

Article 25.—Any emigration agent or his deputy committing a breach of articles 11, 12, 13, 14, or clause 1 of article 16, shall be liable to a fine of not less than 50 yen and not more than 500 yen.

Article 26.—Any emigration agent or his deputy engaging emigrants or procuring their shipment by misrepresentation, shall be liable to imprisonment with hard labour for not less than one month and not more than one year.

Article 27.—In the case of companies the penal clauses of this law shall be applicable, for the commission of any offence cited therein, to the responsible member or superintending official.

## CHAPTER V.—APPENDIX.

Article 28.—Any emigration agent who has been carrying on his business from a date prior to the operation of this law under a permit obtained from the proper authorities is under no obligation to take out a fresh license when this law comes into force, but may continue to carry on such business in accordance with its provisions. Provided that the provisions of this law shall apply in respect to security already paid, even in the event of the agent not continuing the business.



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Article 29.—This law shall not apply in the case of emigrants proceeding abroad and emigration agents acting under special conventions concluded with Japan.

Article 30.—Detailed regulations necessary for the inforcement of this law shall be enacted by departmental order.

Article 31.—This law shall go into force from June 1, 1896.

The 'regulations for the protection of emigrants' (imperial decree No. 42 of 1894) shall be abrogated from the date of the present law going into operation.

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No. 2.

*Sir E. Satow to the Marquis of Salisbury.—(Received May 21.)*

TOKIO, April 16, 1896.

MY LORD,—The Minister for Foreign Affairs recurred again to-day in conversation to the question of the adhesion of Canada and the Australasian colonies to the new treaty of commerce, and asked whether I had heard anything definite from Her Majesty's government.

I said that Her Majesty's government, as I had learnt from a telegram recently received from Your Lordship, were conferring with the government of Canada, and that as soon as a decision was arrived at, I should be enabled to inform His Excellency of it. The delay was doubtless owing to the necessity of sending the despatches and other documents to Canada.

Count Mutsu responded that after all it was only a question of a week's transit between London and Canada.

From the manner in which he spoke, I am inclined to think that he is rather anxious about the delay, and it is not improbable, as I suggested in my despatch No. 80 of the 10th instant, that he would give way on the point of duration of the treaty if he saw reason to think that Canada and the Australasian colonies would refuse otherwise to accede.

ERNEST SATOW.

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*Telegram.*

*Mr. Chamberlain to Earl of Aberdeen.*

LONDON, July 15, 1896.

Does your government adhere to Japanese treaty? Answer urgently required.

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*Report of the Minister of Trade and Commerce upon Treaty Notice with Japan.*

DEPARTMENT OF TRADE AND COMMERCE,

OTTAWA, July 29, 1896.

The undersigned, Minister of Trade and Commerce, has the honour to acknowledge the receipt of Privy Council reference No. 715 J: being a copy of a circular from the Colonial Office, of date December 31, 1894, addressed to His Excellency the Governor General, covering a copy of a treaty of commerce and navigation between Great Britain and Japan, signed at London on July 16, 1894, the ratifications of which were exchanged at Tokio on August 25, 1894, and of Privy Council reference No. 1360 J., being



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a copy of a circular from the Colonial office to His Excellency the Governor General of date February 17, 1896, referring to despatch of December 31, 1894, and transmitting a copy of a convention between Great Britain and Japan, signed at Tokio, July 16, 1895, supplementary to the treaty of commerce and navigation between the two countries of July 16, 1894, first above referred to. In the circular first above referred to attention is called to article XIX. of the treaty, which provides that if it is desired that the Dominion of Canada should come within the operations of the treaty, notice to that effect must be given to the Japanese government within two years from the date of the exchange of ratification.

The minister has carefully considered the provisions of the treaty as transmitted and has also taken communication of correspondence on the subject which has taken place between the Canadian government and the imperial authorities, as well as between the imperial authorities and the Japanese government, as transmitted under Privy Council references:—

No. 1352 J., being a copy of a communication from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date February 20, 1896.

No. 1405 J., being a copy of a confidential despatch from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date March 18, 1896.

No. 1475 J., being a copy of a further confidential despatch on the subject from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date April 21, 1896.

No. 1506 J., being a further confidential despatch from the Colonial Office to His Excellency the Governor General, of date May 14, 1896.

No. 1563 J., being a further confidential despatch from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date June 19, 1896—all having reference to the treaty in question.

No. 1586 J., being a copy of a cablegram from the Colonial Office to His Excellency the Governor General of date July 15, 1896, asking whether His Excellency's government will adhere to the Japanese treaty and stating that an answer is urgently required.

The minister in reporting thereon has the honour to submit for the consideration of His Excellency the Governor General in Council that while he fully approves of the general provisions of the treaty as modified, yet considering the interpretation put by Her Majesty's government as well as by those governments interested upon the intent and meaning of the 'most favoured nation clauses' as they appear in treaties between Great Britain and foreign countries, which interpretation under existing circumstances would be held to be binding upon the Dominion of Canada, and in view of the provisions contained in article V. of the said treaty, and of questions arising as to the exact meaning of the provisions contained in articles VIII., IX., XI. and XV., and considering that apparently under the provisions of these several articles, the Dominion would be further hampered in any effort that might be made in connection with the negotiation of arrangements under which any concessions made for special equivalents granted by reason thereof to or with other countries, he does not deem it advisable that the Dominion should become a party to or be bound by the provisions of the treaty in question, he therefore respectfully recommends that if approved His Excellency the Governor General be moved to communicate by cable to the Right Honourable the Secretary of State for the Colonies the substance of the minute of Council founded hereon, in order that the Japanese government may be advised thereof with as little delay as possible and within the time limit, as per article XIX. of the said treaty.

R. J. CARTWRIGHT.



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*The Secretary of State to the Earl of Aberdeen.*

DOWNING STREET, September 16, 1896.

Governor General,

The Right Honourable the EARL OF ABERDEEN, P.C., G.C.M.G.,  
&c., &c., &c.

MY LORD,—With reference to my confidential despatch of June 19 and previous correspondence concerning the commercial treaty of 1894, between this country and Japan, I have the honour to inform Your Lordship that the government of Queensland having expressed their readiness to adhere to the treaty subject to the proviso as to immigration contained in the treaty with the United States, and requested that the term labourers might be defined so as to include artisans, this decision was communicated by Her Majesty's minister at Tokio to the Japanese government, who, however, expressed their regret that they could not alter the conditions contained in the *note-verbale* inclosed in Sir E. Satow's despatch No. 59, of March 23, which was transmitted to Your Lordship in my confidential despatch of May 14 last.

In these circumstances, the government of Queensland refuse to accept the treaty unless a proviso were inserted giving freedom of action when necessary with regard to the restriction of the influx of Japanese artisans, and Her Majesty's minister at Tokio was so informed.

Sir E. Satow was also informed that the governments of New South Wales and Victoria would allow their claims to adhere to the treaty to lapse unless the Japanese government would allow them full power to restrict immigration.

Subsequently, on August 20, Sir E. Satow telegraphed to the Marquis of Salisbury that he had received assurances from the Japanese government that they would be disposed to accede to the inclusion of artisans provided the three colonies of Queensland, New South Wales and Victoria adhered to the treaty, and, in view of the expiry of the time for notifying adhesions on August 25, asked whether he might exchange notes agreeing to one year's extension, which would give time for Canada also to come within the treaty if desired. Sir E. Satow was authorized on August 22 to exchange notes as he proposed, and he accordingly exchanged notes with the Japanese government on August 24 for a year's extension of time for the accession of the colonies to the treaty.

I shall be glad to be informed as early as possible whether, in view of the concession now made by the Japanese government, your government would wish to adhere to the treaty.

R. H. MEADE,  
For the Secretary of State.

OTTAWA, October 23, 1896.

The Right Honourable JOSEPH CHAMBERLAIN, P.C.,  
Secretary of State for the Colonies.

SIR,—With reference to your confidential despatch of the 16th ultimo, requesting to be informed whether, in view of certain concessions made by Japan this government would wish to adhere to the commercial treaty of 1894 between that country and the United Kingdom, I have the honour to inclose a copy of an approved minute of the Privy Council, from which you will observe that ministers continue to be of opinion that it is not expedient that Canada should become a party to the treaty.

WILLIAM RITCHIE,  
Deputy Governor General.



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*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on October 13, 1896.*

The Committee of the Privy Council have had under consideration a confidential despatch, hereto attached, dated September 16, 1896, from the Secretary of State for the Colonies, having reference to previous correspondence concerning the commercial treaty of 1894, between Great Britain and Japan.

The Minister of Trade and Commerce, to whom the said despatch was referred, observes that it is stated therein that notes were exchanged with the Japanese government on August 24, 1896, for a year's extension of time, within which the colonies referred to, or named in the treaty, could signify their accession thereto. It is further stated in the despatch that certain freedom of action with regard to the restriction of the influx of the Japanese artisan class, would be conditionally conceded by the Japanese government; and the Secretary of State desires to be informed, as early as possible, whether, in view of the concession so made by the Japanese government, the government of Canada desire to adhere to the treaty.

The minister desires to draw attention to his report of date July 29, 1896, upon this question, and to state that he deems it advisable to adhere to the recommendation made in such report, to the effect that, under existing circumstances, it is not expedient that the government of Canada should become a party to the treaty in question.

The Committee advise that Your Excellency be moved to forward a certified copy of the said report to the Right Honourable the principal Secretary of State for the Colonies.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,

Clerk of the Privy Council.

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DOWNING STREET, October 21, 1896.

To the Officer Administering the Government of Canada.

SIR,—With reference to my confidential despatch of September 16 last, I have the honour to transmit to you, for the confidential information of your government, copies of three despatches from Her Majesty's minister at Tokio in regard to the negotiations with the Japanese government concerning the adhesion of certain colonies to the commercial treaty of 1894 between this country and Japan, and the extension for one year of the term within which the colonies and possessions of Her Majesty may notify their adhesion to the treaty.

J. CHAMBERLAIN.

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*Japan: Treaty Revision.*  
*Confidential.*

*Sir E. Satow to the Marquis of Salisbury.—(Received September 23.)*

TOKIO, August 19, 1896.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's telegram No. 23, of the 13th instant, informing me that the governments of New South Wales and Victoria would allow their right of notifying their adhesion to the new treaty with Japan to lapse unless full power to restrict immigration were conceded to them.



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On the 17th instant I made a communication to this effect to the Minister for Foreign Affairs, adding at the same time, that the answer of the Japanese government with regard to the inclusion of artisans in the proposed restrictions had been transmitted to the government of Queensland. I added that I understood the expression 'full power to restrict immigration' to imply the inclusion of artisans with labourers in any restrictive measures that might be considered necessary. I did not, however, consider the adoption of such measures as being in any way a certainty, but it seemed not improbable that the colonial governments were desirous of taking precautions against occurrences such as have been reported from Guadaloupe, Vladivostock, and some of the South Sea islands, where the Japanese immigrants had displayed a spirit of insubordination to proper authority that had caused much trouble.

His Excellency replied that he believed something of the kind had occurred in Guatemala, but the incident at Vladivostock was quite of an unimportant character. He promised, however, to consult his colleagues upon the point of the inclusion of 'artisans.'

ERNEST SATOW.

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*Sir E. Satow to the Marquis of Salisbury.—(Received September 23.)*

Tokio, August 21, 1896.

MY LORD,—With reference to my despatch No. 158 of yesterday's date, I have the honour to report that the Vice-Minister for Foreign Affairs called on me this afternoon to give me an answer with regard to the proposal that 'artisans' should be included with 'labourers' in the conditions under which certain of Her Majesty's colonies desire to adhere to the new treaty.

Mr. Komura said that the Japanese government having always refused to agree to restrictive legislation in the case of artisans, it must be considered a great concession on their part if they now yielded this point. He was, however, able to assure me that they would be disposed to accede to the inclusion of artisans, provided that the principal Australian colonies, namely, Queensland, New South Wales, and Victoria, would adhere to the treaty. A line of Japanese steamers was about to be started between Japan and those colonies with which this country has important commercial relations, and it was therefore much to be desired that they should become parties to the new treaty of commerce and navigation.

I replied to Mr. Komura that as regards Queensland, I had no doubt of the willingness of that colony, and that the expression 'full power to restrict immigration' involved, I thought, nothing more than the inclusion of the word 'artisans.'

The telegram which I forwarded to Your Lordship after this interview is in all essential respects identical with a draft which I had made and shown to Mr. Komura before we separated.

If I receive Your Lordship's authorization in time, I hope to sign, in a few days, an exchange of notes extending for one year from the 25th instant, the period within which notice of adhesion may be given by Her Majesty's colonies and possessions.

ERNEST SATOW.

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*Sir E. Satow to the Marquis of Salisbury.—(Received October 7.)*

Tokio, August 24, 1896.

MY LORD,—In continuation of my despatch No. 163 of the 20th instant, I have the honour to transmit copy and translation of notes exchanged this day between myself



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and the Japanese Minister for Foreign Affairs, agreeing to one year's extension of the term within which the colonies and possessions of Her Majesty the Queen may notify their adhesion to the new treaty of commerce and navigation.

ERNEST SATOW.

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 INCLOSURE 1.

*Sir E. Satow to the Marquis Saïonji.*

TOKIO, August 24, 1896.

M. LE MINISTRE,—Your Excellency is aware that I have received instructions from Her Majesty's Principal Secretary of State for Foreign Affairs to make certain proposals to the Imperial Japanese government with regard to the right of adhesion to the treaty of commerce and navigation between our respective countries, signed in London on July 16, 1894, reserved by article XIX. of that treaty to the colonies and possessions of Her Britannic Majesty.

As the term originally agreed upon for this purpose expires on the 25th instant, I have the honour, in accordance with instructions received from Her Majesty's principal Secretary of State for Foreign Affairs, to propose to Your Excellency that it be extended for a further period of one year from the above-mentioned date.

ERNEST SATOW.

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 INCLOSURE 2.

*The Marquis Saïonji to Sir E. Satow.*

(Translation.)

TOKIO, August 24, 1896.

SIR,—I have the honour to acknowledge the receipt of Your Excellency's note of to-day's date, in which, in accordance with instructions received from Her Majesty's Principal Secretary of State for Foreign Affairs, you propose that, as the term within which notice of their adhesion to the treaty of commerce and navigation concluded between our respective countries on July 16, 1894, must be given by the British colonies and possessions specified in article XIX. of that treaty will expire on the 25th instant, the term should be extended for a further period of one year.

In reply, I have the honour to inform Your Excellency that the imperial government have no objection to offer and agree to the proposed extension of the term until August 25, 1897.

MARQUIS SAIONJI KIMMOCHI,  
Minister for Foreign Affairs.

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*Colonial Office to the Governor General.*

DOWNING STREET, November 17, 1896.

Governor General, &c. &c.

MY LORD,—I have the honour to acknowledge the receipt of Your Lordship's confidential despatch of the 23rd ultimo, inclosing a minute of the Privy Council with reference to the commercial treaty of 1894 between this country and Japan, and to in-



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form you that a copy of the report of the Minister of Trade and Commerce, dated July 29, 1896, which is referred to in the Privy Council minute, does not appear to have been forwarded to this department. I shall be glad if Your Lordship will be good enough to furnish me with a copy of the report in question.

J. CHAMBERLAIN.

*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on December 22, 1896.*

The committee have had under consideration a confidential despatch from the Right Honourable the Secretary of State for the Colonies, dated November 17, 1896, acknowledging the receipt of the approved minute of Council of October 13, 1896, with reference to the commercial treaty of 1894, between Great Britain and Japan, and asking to be supplied with a copy of the report of the Minister of Trade and Commerce, dated July 29, 1896, which is referred to in the said minute.

The committee, on the recommendation of the Minister of Trade and Commerce, to whom the said despatch has been referred, advise that Your Excellency be moved to forward a copy of the said report of the Minister of Trade and Commerce to the Right Honourable the Secretary of State for the Colonies for his information.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

*Mr. Chamberlain to Lord Aberdeen.*

DOWNING STREET, December 8, 1896.

Governor General, &c., &c., &c.

MY LORD,—With reference to my confidential despatch of September 16 last, and to Your Lordship's confidential reply of October 23, a copy of which has been communicated to the Foreign Office, I have the honour to transmit to Your Lordship, in case your government should be influenced by this further information, a copy of a further despatch from Her Majesty's minister at Tokio respecting the terms on which the colonies which have not yet notified their adherence to the commercial treaty of 1894 between this country and Japan and might become parties to the treaty.

J. CHAMBERLAIN.

*Sir E. Satow to the Marquis of Salisbury.—(Received November 12.)*

TOKIO, October 8, 1896.

MY LORD,—With reference to my despatches, Nos. 163 and 165, of the 20th and 21st August, I have the honour to inclose copy of a draft protocol which, in pursuance of an understanding arrived at with Count Okuma on the 2nd instant, I placed to-day in His Excellency's hands. It provides for the reservation of the right to legislate with regard to trade, immigration of labourers and artisans, police, and public security to all the colonies and foreign possessions of the Crown mentioned in article XIX. of the new treaty, except Newfoundland and Natal, which have already signified their unconditional adhesion, and is reciprocal in form. It is framed on the model of the last paragraph of article II. of the new treaty between the United States and Japan.



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Count Okuma, on the occasion referred to, said he was aware that there had been some agitation in both Australia and Canada against the unrestricted immigration of Japanese, and that in the latter petitions had been presented to the government praying that a tax of \$500 might be imposed on all 'Mongolians.' He thought the Dominion was specious enough to accommodate a large number of industrial workmen and artisans, but the Japanese government, as a matter of policy, would endeavour to divert the stream of emigration to other countries where their presence was desired, and even clamoured for, as in South America, Japan had not, in fact, a large surplus population, the north of the main island and Yezo not being yet nearly filled up, and the increase of the rate of wages in consequence of the extension of manufacturing industries would more and more tend to keep the people at home.

I replied that the opposition of the 'labour' party to the immigration of large numbers of labourers and artisans was paralleled by the agitation that had arisen in Japan against mixed residence, and the objections raised to the possession of land by foreigners for agricultural and mining purposes. As, however, no legislation seemed to be in immediate contemplation in either Canada or Australia, it would appear that what the government of those colonies desired was to have the power of legislation in reserve, so as to be able, in case of need, to satisfy public opinion.

I have the honour to request that I may be furnished with Your Lordship's instructions as to the wording of the proposed protocol.

ERNEST SATOW.

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INCLOSURE No. 1.

*Draft Protocol.*

The undersigned \_\_\_\_\_, duly authorized, &c., have agreed that the stipulations contained in the first and third articles of the treaty of commerce and navigation between Great Britain and Japan, signed in London on July 16, 1894, shall not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of labourers and artisans, police and public security which are in force or may hereafter be enacted in either of the colonies and foreign possessions of Her Britannic Majesty enumerated in article XIX. of the said treaty, with the exception of Newfoundland and Natal, or in Japan.

In witness thereof

Done at Tokio,

, 1896.

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*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on January 23, 1897.*

The Committee of the Privy Council have had under consideration a despatch, hereto attached, dated December 8, 1896, from the Right Honourable Mr. Chamberlain having reference to a previous despatch of September 16, 1896, referring to previous correspondence concerning the commercial treaty of 1894 between Great Britain and Japan.

The Minister of Trade and Commerce, to whom the first-mentioned despatch was referred, observes that the despatch of December 8, 1896, above referred to covers a copy of a further despatch from Her Majesty's minister at Tokio respecting the terms upon which those specified colonies which have not yet notified their adherence to the treaty might become parties thereto.



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The minister states that while there are many provisions in the treaty as modified of which he fully approves, and while the views conceded by the Japanese government as expressed in the despatch from Her Majesty's minister at Tokio, might be considered as doing away with some of the objections which the Canadian government had to the treaty referred to, it covers but one ground, the most important objection still existing, that is, the 'most favoured nation clause.'

The minister in referring to his report made in connection with the question of adherence to the treaty, bearing date July 29, 1896, regrets that while the imperial authorities adhere to the interpretation they place upon the 'most favoured nation clause' in existing treaties, he cannot recommend that Canada should become a party to the treaty now in question.

The committee advise that Your Excellency be moved to forward a certified copy of this minute to the Right Honourable the Principal Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

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*Mr. Chamberlain to Lord Aberdeen.*

DOWNING STREET, July 30, 1897.

Governor General, &c., &c.; &c.

MY LORD,—With reference to Your Lordship's confidential despatch of January 26 last, respecting the commercial treaty of 1894, between this country and Japan, I have the honour to inform you that the matter was brought before the premiers of the self-governing colonies at the meetings held in this office on the 1st and 5th instant, and that after full discussion the prime ministers of Canada, New South Wales, Victoria, South Australia, Western Australia, Tasmania, New Zealand and the Cape of Good Hope, stated that they did not propose to abandon their former attitude in regard to the treaty and did not desire to adhere to it; and I now inclose, for the information of Your Lordship's government, a copy of a telegram which was sent by the Marquis of Salisbury to Her Majesty's representative at Tokio on the 13th instant, instructing him to notify this decision to the Japanese government.

I have to add that Natal and Newfoundland had already adhered to the treaty and that Queensland had adhered subject to certain modifications agreed to by the Japanese government.

J. CHAMBERLAIN.

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*Telegram to Mr. Lowther, Tokio.*

FOREIGN OFFICE, July 13, 1897, sent 2.45 p.m.

Except Queensland, governments of all Australian colonies, New Zealand, Tasmania, Canada and the Cape, maintain their views with regard to commercial treaty and do not desire to adhere.

Inform Japanese government.

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*Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on November 5, 1897.*

The Committee of the Privy Council having had under consideration the annexed memorandum from the Minister of Customs, dated November 4, 1897, respecting the



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admission of articles which are the growth, produce or manufacture of Japan to the benefits of the reciprocal tariff, under the customs tariff, 1897, and concurring therein, submit the same for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

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CUSTOMS DEPARTMENT, OTTAWA, November 4, 1897.

The undersigned, Minister of Customs, has the honour to report to His Excellency the Governor General in Council, that section 17 of 'The Customs Tariff, 1897,' provides as follows:—

'1. When the customs tariff of any country admits the products of Canada on terms which, on the whole are as favourable to Canada as the terms of the reciprocal tariff herein referred to are to the countries to which it may apply, articles which are the growth, produce or manufacture of such country, when imported direct therefrom, may then be entered for duty, or taken out of warehouse for consumption in Canada, at the reduced rates of duty provided in the reciprocal tariff set forth in schedule D to this Act.

'2. Any question arising as to the countries entitled to the benefits of the reciprocal tariff shall be decided by the Controller of Customs, subject to the authority of the Governor in Council.

'3. The Governor in Council may extend the benefits of the reciprocal tariff to any country intitled thereto by virtue of a treaty with Her Majesty.

'4. The Controller of Customs may make such regulations as are necessary for carrying out the intention of this section.'

That the undersigned has decided (subject to the approval of the Governor in Council and to take effect when so approved), that the customs tariff of Japan is such as intitles articles which are the growth, produce or manufacture of that country to the benefits of the reciprocal tariff, subject to the limitations mentioned in schedule D of the said 'customs tariff, 1897.

He submits his action in this matter for the approval of His Excellency the Governor General in Council.

WM. PATERSON,  
Minister of Customs.

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DOWNING STREET, December 2, 1899.

The Officer Administering the Government of Canada.

SIR,—With reference to the Marquis of Ripon's circular despatch of December 31, 1894, inclosing copy of the treaty of commerce and navigation between Great Britain and Japan, of July 16, 1894, I have the honour to inform you that, questions having arisen respecting the status of Indian and colonial subjects of Her Majesty residing in Japan as affected by that treaty, and also respecting the claim of British colonies not parties to the treaty to the benefits of the tariff annexed to the protocol of the same date, the matter has formed the subject of reference to the law officers of the Crown, and the Marquis of Salisbury has informed Her Majesty's minister at Tokio, that in the opinion of Her Majesty's government article XIX. of the treaty has not the effect of limiting the rights of British subjects connected with non-adhering colonies or possessions, as the inhabitants of such places are, generally, and not locally merely, British subjects, and that the fair meaning of the treaty is that all persons who by British law are recognized as possessing the rights of British citizenship all



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over the world are intitled to the benefits of its stipulations, and that this test includes the inhabitants—being British subjects—of all colonies and dependencies whether they adhere to the treaty or not. Neither does article XIX. discriminate between different classes of British subjects, nor create a distinction unknown to British law, and almost impossible of definition; but its effect is merely to provide that the privileges and obligations of the treaty shall not enure for the benefit of non-adhering colonies and dependencies. For instance, the produce or manufacture of a non-adhering colony or dependency would not be entitled to the tariff annexed to the protocol which must be regarded as forming part of one arrangement with the treaty. And Her Majesty's government have also been advised that the protocol with its schedule must be read as applying, after the coming into force of the treaty of 1894, only to such of the colonies and possessions enumerated in article XIX. as accede to the treaty.

On the other hand British subjects, though residing in or domiciled in colonies or possessions which have not adhered, are entitled to the benefits of article XVII. of the treaty, and also of article II. of the international convention for the protection of industrial property signed at Paris on March 20, 1883, to which Japan adhered on July 15 last.

The first sentence of article II. of the convention, copies of which were inclosed in Lord Derby's circular despatch of April 18, 1884, which runs as follows: 'Les sujets ou citoyens de chacun des états contractants jouiront, dans tous les autres états de l'union en ce qui concerne les brevets d'invention, les dessins ou modèles industriels, les marques de fabrique ou de commerce et le nom commercial, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux.' The right is conferred on those who are British subjects and is not lost by their being resident or domiciled either in a foreign country or in a colony which has not adhered. The right under the convention is also conferred by article III. on foreigners domiciled in one of the contracting states. Of course domicile in a non-adhering colony would not be effectual for this purpose, as the test is, in this instance, local, not personal, as in the case of British subjects. This distinction is also illustrated by articles IV. and VI. of the convention, which would not apply in the case of non-adhering colonies.

J. CHAMBERLAIN.

*Circular.*

DOWNING STREET, February 28, 1902.

The Officer Administering the Government of Canada.

SIR,—I have the honour to transmit to you, for the information of your government, a copy of a parliamentary paper containing an agreement between Great Britain and Japan, which was signed at London on January 30, 1902.

J. CHAMBERLAIN.

DESPATCH TO HIS MAJESTY'S MINISTER AT TOKIO, FORWARDING AGREEMENT BETWEEN GREAT BRITAIN AND JAPAN, OF JANUARY 30, 1902.

*The Marquis of Lansdowne to Sir C. MacDonald.*

FOREIGN OFFICE, January 30, 1902.

SIR,—I have signed to-day, with the Japanese minister, an agreement between Great Britain and Japan, of which a copy is included in this despatch.

This agreement may be regarded as the outcome of the events which have taken place during the last two years in the far east, and of the part taken by Great Britain and Japan in dealing with them.



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Throughout the troubles and complications which arose in China consequent upon the Boxer outbreak and the attack upon the Peking legations, the two powers have been in close and uninterrupted communication, and have been actuated by similar views.

We have each of us desired that the integrity and independence of the Chinese empire should be preserved, that there should be no disturbance of the territorial *status quo* either in China or in the adjoining regions, that all nations should, within those regions, as well as within the limits of the Chinese empire, be afforded equal opportunities for the development of their commerce and industry, and that peace should not only be restored, but should, for the future, be maintained.

From the frequent exchanges of views which have taken place between the two governments and from the discovery that their far eastern policy was identical, it has resulted that each side has expressed the desire that their common policy should find expression in an international contract of binding validity.

We have thought it desirable to record in the preamble of that instrument the main objects of our common policy in the far east, to which I have already referred, and in the first article we join in entirely disclaiming any aggressive tendencies either in China or Corea. We have, however, thought it necessary also to place on record the view entertained by both the high contracting parties, that should their interests as above described be endangered, it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests, and words have been added which will render it clear that such precautionary measures might become necessary and might be legitimately taken, not only in the case of aggressive action or of an actual attack by some other power, but in the event of disturbances arising of a character to necessitate the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

The principal obligations undertaken mutually by the high contracting parties are those of maintaining a strict neutrality in the event of either of them becoming involved in war, and of coming to one another's assistance in the event of either of them being confronted by the opposition of more than one hostile power. Under the remaining provisions of the agreement the high contracting parties undertake that neither of them will, without consultation with the other, enter into separate arrangements with another power to the prejudice of the interests described in the agreement, and that whenever those interests are in jeopardy they will communicate with one another fully and frankly.

The concluding article has reference to the duration of the agreements which, after five years, is terminable by either of the high contracting parties at one year's notice.

His Majesty's government have been largely influenced in their decision to enter into this important contract by the conviction that it contains no provisions which can be regarded as an indication of aggressive or self-seeking tendencies in the regions to which it applies. It has been concluded purely as a measure of precaution, to be invoked, should occasion arise, in the defence of important British interests. It in no way threatens the present position or the legitimate interests of other powers. On the contrary, that part of it which renders either of the high contracting parties liable to be called upon by the other for assistance can operate only when one of the allies has found himself obliged to go to war in defence of interests which are common to both, when the circumstances in which he has taken this step are such as to establish that the quarrel has not been of his own seeking, and when, being engaged in his own defence, he finds himself threatened not by a single power, but by a hostile coalition.

His Majesty's government trust that the agreement may be found of mutual advantage to the two countries, that it will make for the preservation of peace, and that, should peace unfortunately be broken, it will have the effect of restricting the area of hostilities.

LANSDOWNE.



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## INCLOSURE.

*Agreement between Great Britain and Japan, signed at London, January 30, 1902.*

The governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the extreme east, being moreover specially interested in maintaining the independence and territorial integrity of the empire of China and the empire of Corea and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:—

## ARTICLE I.

The high contracting parties having mutually recognized the independence of China and of Corea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically, as well as commercially and industrially in Corea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power, or by disturbances arising in China or Corea, and necessitating the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

## ARTICLE II.

If either Great Britain or Japan, in the defence of their respective interests as above described, should become involved in war with another power, the other high contracting party will maintain a strict neutrality, and use its efforts to prevent other powers from joining in hostilities against its ally.

## ARTICLE III.

If in the above event any other power or powers should join in hostilities against that ally, the other high contracting party will come to its assistance and will conduct the war in common, and make peace in mutual agreement with it.

## ARTICLE IV.

The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the interests above described.

## ARTICLE V.

Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two governments will communicate with one another fully and frankly.

## ARTICLE VI.

The present agreement shall come into effect immediately after the date of its signature and remain in force for five years from that date.

In case neither of the high contracting parties should have notified twelve months before the expiration of the said five years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded.



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In faith whereof the undersigned, duly authorized by their respective governments, have signed this agreement, and have affixed thereto their seals.

Done in duplicate at London, January 30, 1902.

LANSDOWNE,

His Britannic Majesty's Principal  
Secretary of State for Foreign  
Affairs.

HAYASHI,

Envoy Extraordinary and Minister  
Plenipotentiary of His Majesty  
the Emperor of Japan at the  
Court of St. James'.

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*From Lord Grey to Mr. Lyttelton.*

GOVERNMENT HOUSE, OTTAWA, June 7, 1905

The Right Honourable ALFRED LYTTELTON, P.C.,  
&c., &c., &c.

SIR,—With reference to Sir Henry Strong's despatch of October 23, 1896, and previous correspondence in regard to the Canadian government's decision not to adhere to the treaty of commerce and navigation, concluded in 1894, between Great Britain and Japan, I have the honour to inclose herewith a copy of an approved minute of the Privy Council, intimating that obstacles which were considered to render the adhesion of Canada to the treaty inadvisable have now been removed and requesting that steps may be taken to ascertain whether the Japanese government would be prepared to admit the Dominion to a participation in the treaty.

GREY.

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*Extract from a Report of the Committee of the Privy Council, approved by the Governor General on June 7, 1905.*

The Minister of Trade and Commerce, to whom was referred the question of the expediency of reopening negotiations with Japan to secure the admission of Canadian goods in that country on the same terms as upon those imported from Great Britain, submits as follows:—

At the time of the original treaty of commerce and navigation in 1894 between Great Britain and Japan, it appears that Canada was invited to become a party thereto but in view of certain conditions and possible complications it was deemed best at the moment to decline participation. These obstacles have been now removed, and it is understood informally that the Japanese government would not be unwilling to allow Canada to become a party to the above treaty.

The committee advise that His Excellency be moved to ascertain whether the Japanese government would be prepared to admit Canada to a participation in the said treaty.

All which is respectfully submitted for approval.

JOHN J. MCGEE,

Clerk of the Privy Council.



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*Mr. Secretary Lyttelton to Lord Grey.*

LONDON, July 14, 1905.

Referring to your confidential despatch of June 7, should Japanese government be informed that your government wishes to adhere to treaty, 1894, and supplementary convention of 1895, under same terms and conditions as Queensland in 1897, which Japanese government then agreed to extend to any other colonies adhering within prescribed period, namely, (1) that stipulations contained in first and third articles of treaty shall not in any way affect laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security which are in force or hereafter may be enacted in Japan or in colony. (2) That treaty shall cease to be binding as between Japan and colony at expiration of twelve months after notice has been given on either side of desire to terminate same.

Or are your government prepared to adhere absolutely and without reserve as would appear to be the case from speech of Minister of Agriculture in Canadian parliament, June 22? Please telegraph reply.

LYTTELTON.

*From Earl Grey to Mr. Lyttelton.*

September 5, 1905.

My Prime Minister earnestly hopes that you will press immediate entry of Canada into Anglo-Japanese treaty.

GREY.

*Mr. Secretary Lyttelton to Lord Grey.*

LONDON, September 6, 1905.

In reply to your telegram received to-day, please inform your Prime Minister that before taking steps as regards adhesion of your government to commercial treaty with Japan, His Majesty's government awaiting reply to telegram of July 14.

LYTTELTON.

*From Governor General to Mr. Lyttelton.*

GOVERNMENT HOUSE, OTTAWA, September 26, 1905.

The Right Honourable ALFRED LYTTELTON, P.C.,  
&c., &c., &c.

SIR,—The Governor General had the honour to send you to-day a telegraphic message in code, of which the following is a translation:—

‘Referring to your telegram of July 14, responsible ministers prepared to adhere to Japanese treaty, 1894, and supplementary convention of 1895, absolutely and without reserve. Minute of Council and despatch follow by mail.’

I now have the honour to inclose herewith copy of the minute of Council referred to, upon which that message was founded.

H. E. TASCHEREAU,  
Deputy of the Governor General.



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*Extract from a Report of the Committee of the Privy Council, approved by the Governor General on September 26, 1905.*

The committee of the Privy Council have had under consideration the annexed report from the Secretary of State relative to Canada becoming a party to the treaty of commerce and navigation between Great Britain and Japan, adopted in the year 1894, and supplementary convention, 1895.

The committee concurring in the said report, advise that His Excellency be moved to forward a cable despatch to the Secretary of State for the Colonies advising him that the government of Canada is prepared to adhere absolutely and without reserve to the treaty of commerce and navigation made between Great Britain and Japan in 1894, and supplementary convention signed at Tokio in July, 1895.

All which is respectfully submitted for His Excellency's approval.

JOHN J. MCGEE

Clerk of the Privy Council.

OTTAWA, September 25, 1905.

The undersigned, the Secretary of State, has had under consideration the minute of Council approved on June 7 last, advising, on the recommendation of the Minister of Trade and Commerce that His Excellency be moved to ascertain whether the Japanese government would be prepared to admit Canada to a participation in the existing treaty between Great Britain and Japan, adopted in the year 1894, and supplementary convention, 1895, and has had also under consideration the cable despatch from Mr. Lyttelton to Earl Grey of July 14 last, inquiring whether the government of Canada was prepared to adhere absolutely and without reserve to the treaty of 1894 and 1895, or whether Canada desired to limit the terms of the treaty to the conditions made on behalf of Queensland when accepting the Japanese treaty, which provided that the stipulations contained in the first and third articles of the treaty should not in any way affect the laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security, which are in force or might hereafter be enacted in Japan or Queensland; (2) limiting the treaty to a period of twelve months after notice given on either side.

When the minute of Council, dated June 7, 1905, was approved, the judgment of the Privy Council as expressed in that minute was that Canada was willing to become a party to the treaty of 1894 and supplementary convention, 1895, without any reserve. Since those dates Japan has enacted a law limiting immigration to foreign countries, thus removing one of the objections that influenced the government of Canada in declining to become a party to the treaty with Japan in 1897. It is doubtful whether Japan would now agree to a treaty on any other basis than the proposals contained in the original treaty. The undersigned therefore recommends that a cable despatch be sent to Mr. Lyttelton advising him that the government of Canada is prepared to adhere absolutely and without reserve to the treaty of commerce and navigation made between Great Britain and Japan in 1894 and supplementary convention signed at Tokio in July, 1895.

All of which is respectfully submitted.

R. W. SCOTT,

Secretary of State.

*From Lord Grey to Mr. Lyttelton.*

OTTAWA, November 14, 1905.

Referring to my despatch, No. 313, September 26, Japanese treaty, responsible ministers anxious for reply.

GREY.



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*From Mr. Lyttelton to Lord Grey.*

LONDON, November 16, 1905.

In reply to your telegram of yesterday's date and your despatch No. 313, of September 26, Japanese government propose special convention providing application to Canada of treaties of 1894 and convention of 1895. His Majesty's ambassador at Tokio has been instructed to send draft direct to you for consideration of your government. Report by telegram whether your ministers agree as to its terms.

LYTTELTON.

*His Majesty's Minister at Tokio, Japan, to Lord Grey.*

TOKIO, November 19, 1905.

MY LORD,—In obedience to instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I recently approached the Japanese government with a view to their consenting to the adhesion of Canada to the Anglo-Japanese treaty of July 16, 1894, and to the supplementary convention of July 16, 1895.

I found the Japanese government quite prepared to take the necessary steps for the application of the terms of the two agreements to the intercourse between Canada and Japan, but in view of the expiration of the two years allowed by article XIX. of the treaty of 1894, for the adhesion of British colonies, they thought that the desired object could best be secured by the conclusion of a special convention.

They have now prepared a draft of the proposed convention, copy of which I have the honour to transmit to Your Lordship herewith.

A copy of this draft will be forwarded to the Marquis of Lansdowne by the Canadian Pacific mail, leaving Yokohama on the 24th instant.

CLAUDE M. MACDONALD.

His Majesty the Emperor of Japan and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of facilitating the commercial relations between Japan and Canada, have resolved to conclude a convention to that effect, and have named as their respective plenipotentiaries:—

His Majesty the Emperor of Japan, . . . . .

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, . . . . .

. . . . .  
who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:

## ARTICLE I.

The two high contracting parties agree that the stipulations of the treaty of commerce and navigation between Japan and Great Britain, signed at London on the 16th day of the 7th month of the 27th year of Meiji (corresponding to the 16th day of July, 1894), and of the supplementary convention between Japan and Great Britain, signed at Tokio, on the 16th day of the 7th month of the 28th year of Meiji (corresponding to the 16th day of July, 1895), shall be applied to the intercourse, commerce and navigation between the Empire of Japan and the British Dominion of Canada.



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## ARTICLE II.

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into effect immediately after the exchange of ratifications, and shall remain in force until the expiration of six months from the day on which one of the high contracting parties shall have announced the intention of terminating it.

In witness whereof, the above-mentioned plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the Japanese and English languages, this.....day of.....month of the 38th year of Meiji, corresponding to the .....day of.....year one thousand nine hundred and five.

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*From Lord Grey to Mr. Lyttelton.*

OTTAWA, November 24, 1905.

Referring to your telegram of November 16, my responsible ministers beg to re-iterate that they agree to terms of treaty of 1894, and convention of 1895, with Japan. They would urge that His Majesty's ambassador at Tokio be reminded to forward immediately draft of special convention.

GREY.

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*From Mr. Lyttelton to Lord Grey.*

DOWNING STREET, November 30, 1905.

MY LORD,—I have the honour to acknowledge the receipt of your telegram of the 24th instant respecting the proposed special convention with Japan providing for the application to Canada of the treaty of 1894, and the convention of 1895.

2. I request you to explain to your ministers that the necessity for a special convention arose from the fact that the period of the adhesion of Canada to the treaty of 1894 had expired; and although the substance of the proposed convention was telegraphed by His Majesty's ambassador at Tokio, on the 3rd instant, His Majesty's government felt, in view of certain recent experience which it is not necessary for me to explain, that it was advisable to see the full text before authorizing His Majesty's representative to sign the convention. A telegram was accordingly sent to Sir C. Macdonald on the 13th instant, instructing him to send home the draft by mail and at the same time to send a copy direct to your government, as you were informed by telegram on the 15th instant. Your ministers will probably by this time be in possession of the copy.

ALFRED LYTTELTON.

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*From Lord Grey to Secretary of State for Colonies.*

December 13, 1905.

Your despatch of November 30, Japanese treaty, Sir Wilfrid Laurier has seen draft received from Sir Claude Macdonald and hopes final formalities will be concluded as soon as possible.

GREY.



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*From Lord Elgin to Lord Grey.*

LONDON, January 1, 1906.

Referring to your telegram of December 13, Japanese treaty, have requested Secretary of State for Foreign Affairs to telegraph to Tokio sign convention at once and to arrange for ratification at earliest possible date.

ELGIN.

*Lord Elgin to Lord Grey.*

LONDON, February 6, 1906.

Referring to my telegram of January 1, convention with Japan signed January 31.

ELGIN.

*From Lord Elgin to Lord Grey.*

DOWNING STREET, March 31, 1906.

SIR,—With reference to my telegram of the 6th ultimo, I have the honour to transmit to you, to be laid before your ministers, the accompanying copies of correspondence with the Foreign Office on the subject of the convention for the application to trade and intercourse between Japan and Canada of the treaty between the United Kingdom and Japan of July 16, 1894, and of the supplementary convention of July 16, 1895.

ELGIN.

FOREIGN OFFICE, March 27, 1906.

SIR,—With reference to your letter of January 1 last, I am directed by Secretary Sir Edward Grey, to transmit to you, to be laid before the Earl of Elgin, a copy of a despatch from His Majesty's ambassador at Tokio, inclosing the convention for the application to trade and intercourse between Japan and Canada of the treaty between this country and Japan of July 16, 1894, and of the supplementary convention of July 16, 1895.

Printed copies of the English text of the convention are also inclosed.

I am to inquire whether, in Lord Elgin's opinion steps should now be taken to prepare the King's ratification of the convention, to be forwarded to His Majesty's ambassador at Tokio for exchange in that capital.

F. A. CAMPBELL.

TOKIO, January 31, 1906.

SIR,—I have the honour to report that I attended at the Ministry of Foreign Affairs this afternoon and signed the convention for the application to trade and intercourse between Japan and Canada of our treaty with Japan of July 16, 1894, and of our supplementary convention of July 16, 1895.

I beg to inclose herewith the English and Japanese texts intended for His Majesty's government, and I also inclose the certificate of Mr. Wawn, Acting Assistant Japanese Secretary at this embassy, certifying that the two texts agree in every respect.

CLAUDE M. MACDONALD.



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BRITISH EMBASSY, TOKIO, January 31, 1906.

I certify that I have compared the Japanese text of the convention for the application to trade and intercourse between Japan and Canada of the British treaty with Japan of July 16, 1894, and the supplementary convention of July 16, 1895, with the English text of the said convention, and find that the two agree in every respect.

J. TWIZELL WAWN,  
Acting Asst. Japanese Secretary.

SIR,—I am directed by the Earl of Elgin to acknowledge the receipt of your letter of the 27th instant (9239), inclosing copies of the English text of the convention for the application to trade and intercourse between Japan and Canada of the treaty between this country and Japan of July 16, 1894, and of the supplementary convention of July 16, 1895, and to request you to inform Secretary Sir E. Grey that His Lordship considers that steps should be taken with a view to the exchange of ratifications of this convention.

H. BERTRAM COX.

(Signed also in Japanese Text.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, being equally desirous of facilitating the commercial relations between Japan and Canada, have resolved to conclude a convention to that effect, and have named as their respective plenipotentiaries:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, Sir Claude Maxwell Macdonald, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, His Britannic Majesty's ambassador to Japan; and

His Majesty the Emperor of Japan, Takaaki Kato, Shoshii, First Class of the Imperial Order of the Sacred Treasure, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:—

#### ARTICLE I.

The two high contracting parties agree that the stipulations of the treaty of commerce and navigation between Great Britain and Japan, signed at London on the 16th day of July, 1894 (corresponding to the 16th day of the 7th month of the 27th year of Meiji), and of the supplementary convention between Great Britain and Japan, signed at Tokio on the 16th day of July, 1895 (corresponding to the 16th day of the 7th month of the 28th year of Meiji), shall be applied to the intercourse commerce and navigation between the empire of Japan and the British Dominion of Canada.

#### ARTICLE II.

The present convention shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into effect immediately after the



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exchange of ratifications, and shall remain in force until the expiration of six months from the day on which one of the high contracting parties shall have announced the intention of terminating it.

In witness whereof the above named plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the Japanese and English languages, this 31st day of January, of year one thousand nine hundred and six, corresponding to the 31st day of the 1st month of the 39th year of Meiji.

CLAUDE M. MACDONALD,  
KATO TAKAAKI.